

MARCH 30, 2004

AN ORDINANCE

**04- 0 -0613**

BY: CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON THAT PORTION OF UNIMPROVED SPRING ROAD, NW LOCATED FROM WEST LANE TO APPROXIMATELY 760 FEET WEST TO END CONSISTING OF .399 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 150 OF THE 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request from the abutting property owner, to abandon a portion of SPRING ROAD, NW for the purpose of using the property for their own private use; and

WHEREAS, the request to abandon said street has been reviewed by the proper city agencies and by all public utilities prior to passage of the legislation; and

WHEREAS, the abandoned right-of-way will become part of the abutting owner's private property and will be their responsibility to maintain, operate, and provide all services and utilities; and

WHEREAS, the abutting property owner has agreed to acquire said street from the City of Atlanta for the appraised fair market value; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That the portion of unimproved SPRING ROAD, NW located from West Lane to approximately 760 feet west to end consisting of .399 acres, more or less, and being more specifically described in the attached exhibit "A" lying and being in Land Lot 150 of the 17<sup>th</sup> District, Fulton County, Georgia the same are hereby declared no longer useful or necessary for the public's use and convenience.

SECTION 2. That the City's intent is hereby given to abandon said street.

SECTION 3. That the abutting property owner's have agreed to pay the fair market value of the abandoned street as determined by the appraisal of said street.

SECTION 4. That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

SECTION 5. That the Chief Procurement Officer be and is hereby authorized to appraise said street to determine their fair market land value.

SECTION 6. That all costs associated with the appraisal report shall be charged to and paid from Account Number 3P02 574001 M22F03349999.

SECTION 7. That the Mayor be and is hereby authorized to execute a quitclaim deed to said street.

SECTION 8. That all ordinance and parts of ordinances in conflict herewith be and the same are hereby repealed.

AREA SUBJECT TO ABANDONMENT

TRACT DESCRIPTION FOR THE PROPOSED ABANDONMENT OF SPRING ROAD, AS SHOWN IN PLAT BOOK 11, PAGE 198, BEING ON FILE WITH THE CLERK OF SUPERIOR COURT, FULTON COUNTY, GEORGIA

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 150, OF THE 17th DISTRICT, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO LOCATE THE TRUE POINT OF BEGINNING, BEGIN AT A CONCRETE NAIL FOUND AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF HUFF ROAD (HAVING A VARIABLE WIDTH RIGHT-OF-WAY) AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF WEST LANE (HAVING A 40 FOOT RIGHT-OF-WAY WIDTH); THENCE RUNNING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF WEST LANE SOUTH 26 DEGREES 41 MINUTES 55 SECONDS WEST A DISTANCE OF 138.74 FEET TO A  $\frac{3}{4}$ " REBAR FOUND; THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF WEST LANE SOUTH 26 DEGREES 41 MINUTES 55 SECONDS WEST A DISTANCE OF 44.64 FEET TO A POINT; THENCE DEPARTING SAID RIGHT-OF-WAY RUNNING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SPRING ROAD ( HAVING A 40 FOOT WIDE RIGHT-OF-WAY WIDTH) SOUTH 82 DEGREES 52 MINUTES 20 SECONDS WEST A DISTANCE OF 304.19 FEET TO A  $\frac{3}{4}$ " REBAR FOUND LOCATED AT THE TRUE POINT OF BEGINNING; THENCE FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED CONTINUE RUNNING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF SPRING ROAD SOUTH 82 DEGREES 52 MINUTES 20 SECONDS WEST A DISTANCE OF 434.21 FEET TO A  $\frac{1}{2}$ " REBAR FOUND AT THE END OF SPRING ROAD; THENCE RUNNING ALONG THE END OF SPRING ROAD RIGHT-OF-WAY AND ALONG THE LAND LOT LINE COMMON TO LAND LOTS 150 & 189 NORTH 00 DEGREES 18 MINUTES 57 SECONDS EAST A DISTANCE OF 40.34 FEET TO A 1 INCH OPEN TOP PIPE FOUND; THENCE DEPARTING SAID LAND LOT LINE RUNNING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SPRING ROAD NORTH 82 DEGREES 52 MINUTES 20 SECONDS EAST A DISTANCE OF 435.01 FEET TO A  $\frac{1}{2}$ " REBAR FOUND; THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUNNING THROUGH THE RIGHT-OF-WAY OF SAID SPRING ROAD SOUTH 01 DEGREES 26 MINUTES 11 SECONDS WEST A DISTANCE OF 40.05 FEET TO A  $\frac{3}{4}$ " REBAR FOUND LOCATED AT THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 17,384 SQUARE FEET, BEING 0.399 ACRE.

LAW OFFICE  
NATHAN V. HENDRICKS III  
6085 LAKE FORREST DRIVE, SUITE 200  
ATLANTA, GEORGIA 30328

December 11, 2002

OFFICE (404) 255-5161  
TELECOPIER (404) 255-3899

Mr. Norman Koplon  
Department of Public Works  
55 Trinity Avenue, Suite 4700  
Atlanta, Georgia 30335

Re: Abandonment of a portion of Spring  
Road for The Howard School

Dear Norman:

The Howard School is the owner of an assemblage of properties known as 1200 Foster Street NW, 874, 878, 882 and 886 Earnest Street NW, Atlanta, Georgia 30318 (collectively the "Property") which are planned for the development of a new school campus. The Property surrounds a portion of a platted but unimproved roadway known as Spring Road which The Howard School would like to incorporate in the Property for the development of the new school campus. Accordingly, The Howard School requests that the City of Atlanta abandon any and all right, title and interest that the City has in the portion of Spring Road that is shown as the "Area Subject to Abandonment" on the enclosed Survey and more particularly described by the enclosed legal description. The Area Subject to Abandonment is not used by the public, no substantial public purpose is served by it and it is no longer useful or necessary for public road purposes.

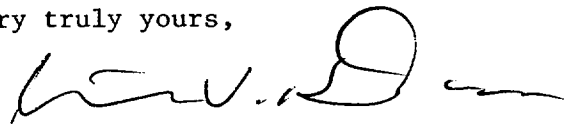
Enclosed is a check for the \$2,500.00 Fee required by the abandonment ordinance for appraisal and advertisement costs.

The Property is currently owned by The Howard School and The Howard School's approval and support for the abandonment request is enclosed.

The Howard School will compensate the City for fair market value of the City's ownership interest in the Area Subject to Abandonment in exchange for consideration of this petition.

Please let me know if I may provide you with further information to assist in the abandonment process.

Very truly yours,



Nathan V. Hendricks III

NVH:sks w/ Enclosures

cc: Mr. Lowell Chambers (via hand delivery w/ enclosures)  
Mr. Kenneth Fortenberry (via hand delivery w/ enclosures)  
Dr. Sandra N. Kleinman, Executive Director, The Howard School  
(via hand delivery w/ enclosures)

OWNER:

The undersigned, being the owner of the property surrounding the Area Subject to Abandonment as defined on the enclosed survey, evidences its support and approval of the foregoing abandonment through its execution below.

The Howard School, Inc.

By: *cmh*  
Cecil M. Phillips

Its: Chairman of the Board of Trustees  
(404) 920-9200 Extension 209

Sworn to and subscribed before me  
this 13 day of December, 2002

*Marilyn DuMont-Bush*  
NOTARY PUBLIC

Notary Public, Gwinnett County, Georgia  
My Commission Expires February 11, 2006



## CITY OF ATLANTA

Shirley Franklin  
Mayor

675 Ponce De Leon Ave. NE  
Atlanta, Georgia 30308  
(404) 817-6900

Atlanta Police Department  
Richard J. Pennington  
Chief of Police

October 9, 2003

Mr. Dwayne Stocks  
Construction Inspector, Principal  
Department of Public Works  
68 Mitchell Street, S. W., Suite 4350  
Atlanta, Georgia 30335-0325

**RE: Spring Road Street Abandonment**

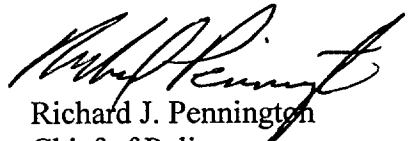
Dear Mr. Stocks:

The Atlanta Police Department has reviewed the request to abandon Spring Road. Upon investigating Spring Road it was observed to be gravel and desolate, also the usage of this roadway by the public is at a minimum.

Therefore, it is of my opinion that Spring Road be abandoned.

If you have further questions, please feel free to contact Major C. W. Moss, Special Operations Section, at (404) 209.5260.

Sincerely,



Richard J. Pennington  
Chief of Police

RJP:bd

cc: Major C. W. Moss



## CITY OF ATLANTA

### FIRE DEPARTMENT

**SHIRLEY FRANKLIN**  
MAYOR

City Hall East 675 Ponce de Leon Avenue, NE Suite 2001  
Atlanta, GA 30308-1807  
404) 853-7000 \* FAX (404) 853-7006  
ICHIEFS ID - ATLFDHQ

**WINSTON L. MINOR**  
FIRE CHIEF

February 13, 2003

Ms. Carolyn P. Clark  
Street Abandonment Coordinator  
Public Services Division  
68 Mitchell Street, S.W. Suite 4700  
Atlanta, Georgia 30335

**RE: Proposed Street Abandonment**  
Spring Road, NW

Dear Ms. Clark:

After having investigated the request to abandon Spring Road, NW, it is determined that the abandonment of this street will not have an adverse affect on the operations of the Atlanta Fire Department.

Should you have additional questions, or concerns, please advise.

Working For a Safer Atlanta,

Winston L. Minor  
Fire Chief

WLM/tmf



# CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

68 MITCHELL STREET, S.W.  
SUITE 4900, CITY HALL SOUTH  
ATLANTA, GEORGIA 30303-3531  
TEL. 404 330-6501  
FAX 404 658-7085

TRAFFIC & TRANSPORTATION  
SANDRA D. JENNINGS, P.E.  
Manager, Traffic Operations/Planning  
GORDON R. BUNDY  
Manager, Traffic Signals/Street Lights

February 21, 2003

## MEMORANDUM

TO: Carolyn P. Clark  
Street Abandonment Coordinator  
Department of Public Works

FROM: Nursef Kedir *NK*  
Principal Traffic Engineer  
Traffic & Transportation

SUBJECT: Proposed Street/rights-of-way Abandonment

We have reviewed the requested abandonment of the following streets/rights-of-way:

- Howell Drive, S.E. between Memorial Drive and Its dead-end; and
- Harden Drive, N.W. between Fairburn Road and Its dead-end.

Based on a field investigation and review of our files, these streets provide access mainly to adjoining properties with no value to through traffic movement.

- Unimproved rights-of-way of Spring Road, N.W. south of Huff Road

The unimproved rights-of-way is land locked and we do not anticipate future use of the rights-of-way for traffic movement.

As a result, the proposed abandonment of the aforementioned streets/rights-of-way is not anticipated to create traffic related problems provided that and adjoining properties have access to their property and agree to the requested abandonment.

If you need additional information or clarification, please let me know.

nk

cc: Sandra D. Jennings, P.E.  
Lorn Whittaker  
Correspondence File





RECEIVED DEC 08 2003

## CITY OF ATLANTA

### DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

55 Trinity Avenue, S.W. SUITE 3350 - ATLANTA, GEORGIA 30335-0308

404-330-6145 - FAX: 404-658-7491

[www.ci.atlanta.ga.us/citydir/dpdnc/planning.htm](http://www.ci.atlanta.ga.us/citydir/dpdnc/planning.htm)

**SHIRLEY FRANKLIN**  
MAYOR

**CHARLES C. GRAVES, III**  
Commissioner

**BEVERLEY DOCKERAY-OJO**  
Director

Bureau of Planning

### MEMORANDUM

**TO:** Dwayne Stocks

**FROM:** Beverley Dockeray-Ojo *BDO*

**RE:** Abandonment for portions of Spring Rd.

**DATE:** November 26, 2003

The Bureau of Planning has reviewed the request for the abandonment of a portion of Spring Road south of Ernest St./Huff Rd. The Applicant, Nathan V. Hendricks, III c/o The Howard School, proposes assuming the right of way property for private use. Spring Rd. is an unpaved roadway internal to the Howard School and not useful for through traffic.

Other pertinent information is as follows:

Street Classification	Local Street
Length of proposed abandonment	Approximately 435'
Is the right of way presently used?	Yes
Is the roadway paved?	No
Is the right of way used for property Access?	No
Are any City plans affected by this Abandonment?	No

Our recommendation is to approve the street abandonment on the portion of Spring Rd. in the application.

cc: Charles C. Graves, III, Planning & Community Development  
John Bell  
Sarah Wade-Hicks  
Brian McHugh

**Minutes  
NPU-D Monthly Meeting  
February 25, 2003**

**8. License Review Board-Liquor Licenses**

<b>Applicant</b>	<b>Type of Business</b>	<b>Name of Business</b>	<b>Address</b>	<b>Request</b>
Shirin Ebrahim, Agent	Retail beer & wine package sales	Collier Food Mart	1203 Collier Rd.	Change of Ownership

Represented by Attorney. Applicant has existing Swifty Serve site on SW corner at Collier and Defoor. Agent has purchased the site. Has prior experience with 4 other stores in the city of Atlanta and have a good record.

Felicia Moore asked if any drug paraphernalia (rolling papers, etc). Also asked if single serving cans, etc. The answer for both is "no". This is a 24-hour store with security cameras. They also serve gasoline.

Any consideration give to having anything other than a 24-hour store? "No" as they have success running these businesses. Another store at Northside and Whitehall, Cleveland Ave just west of 85, Mosely Park at I-20, and also own a Texaco.

A motion was made and seconded to approve the change of ownership.

20-2 in favor.

**9. Street Abandonment (requires NPU vote)**

Applicant, Nathan V. Hendricks, III c/o The Howard School, request to abandon Spring Road, NW.

Representative of the Howard School: This is a road that has never been built or used. The area will be used as athletic fields.

CF Bakker made the comment it was always understood that that this abandonment would happen, and it was probably hoped for.

A motion was made and seconded to accept the abandonment of Spring Road, NW.

20-0 in favor.

**10. Adjournment**

Motion was made to adjourn the meeting and seconded. Unanimous approval.

Respectfully Submitted,

Beth Sorrentino – NPU-D Secretary



National Support / Investigations  
Dept 2855 Loc 642  
2250 Lakeside Blvd.  
Richardson, TX 75082

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02/14/2003

**CITY OF ATLANTA**  
**Carolyn Clark**  
**68 Mitchell St., S.w.**  
**Atlanta, GA 30335-0325**

**RE: – STREET ABANDONMENT – SPRING RD NW –**  
**Atlanta, Fulton, Georgia**

**MCIW ID: 1127-2003**

**Dear Sir or Madam:**

MCIWorldCom has been notified by your office regarding the above referenced project.

The comparison of your construction plans with the MCIWorldCom in-house as-built plans determined that MCIWorldCom facilities do exist in the area of the proposed construction. At this time, no conflict is anticipated. However, it will be necessary for you to **contact the One Call System for your area at least 48 hours prior to construction** to ensure that no conflicts exist.

You should address future correspondence concerning the project to the attention of **National Support/Investigations** at the above address. Please include the above **MCIW ID number**.

If you need further assistance with this project, please do not hesitate to call me.

Sincerely,

Ronnie Adcox  
National Support / Investigations  
972/656-6016

No Conflict.doc

760 Ralph McGill Boulevard  
Atlanta, Georgia 30312  
Tel 404.572.7600  
Fax 404.572.7607



February 6, 2003

Ms. Carolyn P. Clark  
Street Abandonment Coordinator  
Department of Public Works  
City of Atlanta  
55 Trinity Ave., SW  
Atlanta, GA 30335-0324

Dear Ms. Clark:


In reference to your letter dated January 21, 2003, we have reviewed our facilities to determine if easement should remain. Our response is as listed:

Location: Spring Road, N.W (Plat Attached)

Response: Georgia Power has no distribution facilities on this street; therefore, we are not affected.

We appreciate your consideration and if you need additional information, please call.

Sincerely,

  
Dorsey Walker  
Atlanta Region

cc: Larry Barfield  
Glenn Brooks  
Whitney Smith



February 4, 2003

Ms. Carolyn P. Clark  
Street Abandonment Coordinator  
68 Mitchell St. SW  
Suite 4700 City Hall South  
Atlanta, Ga. 30335-0324

RE: Proposed Street Abandonment

Dear Ms. Clark:

We received your letters regarding the abandonment of the following locations as shown on the attached plats.

- Harden Drive, NW
- Howell Street
- Spring Road, NW

To abandon these locations will not affect MARTA services and we do not anticipate any future problems.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith S. Russell". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Keith S. Russell  
Chief of Scheduling

//tb

CC: Marian Clements, Director of Scheduling and Operations Support  
John McMath, Manager of Scheduling  
Carolyn M. Morgan, Senior Transportation Planner

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**BellSouth Telecommunications, Inc.**  
1950 West Exchange Place  
3rd Floor  
Tucker, GA 30084

February 11, 2003

Ms. Carolyn Clark  
City of Atlanta, Department of Public Works  
Suite 4700, City Hall South  
68 Mitchell Street, SW  
Atlanta, GA 30303-0324

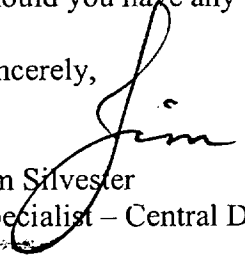
**RE: Notice of Street Abandonment  
Spring Road**

Dear Ms. Clark:

A review of our existing facilities has been conducted and it has been determined that BellSouth **does not have facilities** within the area(s) of the proposed abandonments. Consequently, **BellSouth does not object** to the abandonment of Spring Rd as petitioned by The Howard School represented by Nathan V. Hendricks, III.

Should you have any questions, please contact me at 770-492-3277.

Sincerely,

  
Jim Silvester  
Specialist – Central District Engineering

cc: Cheryl Lee – BST Public Requirements Group



## DAILY REPORT

**DATE** February 17, 2003

**CASH VOUCHER NO.** \_\_\_\_\_  
(To be Filled In By Department Of Finance)

Department Manager or Authorized Representative

**FUND NAME** Trust Fund

PATRICIA MITCHELL  
PAID  
FEB 18 2003  
CITY OF ATLANTA  
FLEXBOND MUNICIPAL REVENUE COLLECTOR